

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON OCTOBER 12, 2011 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Rice, Chair called the meeting to order.

DETERMINATION OF A QUORUM:

Mr. Thum established the presence of a quorum.

Present: Bryan Rice, Chair
 Walt Haynes, Vice-Chair
 Ryan Thum, Secretary
 Joel Donahue, Member
 William Seitz, Member
 Robert Miller, Member
 Frank Lau, Member
 John Tuttle, Member
 Malvin Wells, Member (arrived at 7:20 pm)
 Steve Sandy, Planning Director
 Dari Jenkins, Planning & Zoning Administrator
 Jamie MacLean, Development Planner
 Brea Hopkins, Planning & Zoning Technician

Absent: John Muffo, Board of Supervisors Liaison

APPROVAL OF AGENDA:

On a motion by Mr. Thum, seconded by Mr. Miller, and unanimously carried the agenda was approved.

CONSENT AGENDA:

On a motion by Mr. Miller, seconded by Mr. Haynes, and unanimously carried the consent agenda was approved.

PUBLIC ADDRESS:

Mr. Rice opened the public address; however, there being no speakers the public address was closed.

PUBLIC HEARING:

An Ordinance to renew Agricultural and Forestal District #1 (Prices Fork) is generally located northwest of the Town of Blacksburg in the area of Prices Fork Rd. (Rt. 685) and Glade Rd. (Rt. 855). AFD 1 currently consists of 8 property owners and 1401 acres.

Mr. Rice introduced the request.

Mrs. MacLean stated the renewal for AFD 1 was being requested. The district is known as the Prices Fork district, established in 1980. The Wall family is proposing an addition of 19.72 acres and the Hoge family is requesting withdrawal of 283.451 acres. When renewed, the total acreage of the district will be 1177.678 acres. The AFD committee met and recommended approval of the district renewal including the addition and removal. She presented maps of the district.

Mr. Rice opened the public hearing; however, there being no speakers the public hearing was closed.

A motion was made by Mr. Haynes, seconded by Mr. Thum to recommend approval of renewing Agriculture and Forestal District 1 consisting of 6 property owners and 1,177.678 acres with the same terms as previously approved.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays: None
Abstain: None

An Ordinance to renew Agricultural and Forestal District #2 (Catawba) is located approximately 0.75 miles to the northeast from the intersection of Harding Rd. (Rt. 785) and Lusters Gate (Rt. 729) and extends along Catawba Rd. (Rt. 765) for approximately 6.6 miles to the Roanoke County line. AFD 2 currently consists of 30 property owners and 5525.15 acres.

Mrs. MacLean stated Agricultural and Forestal District #2, known as Catawba, was established in 1980 and is the largest in the county. Six property owners are requesting to withdraw, and four are requesting to add additional acreage. The acreage of the district will be a total 5,525 acres. She presented maps of the district. The AFD committee met and recommended approval of the district renewal including the additions and removals. Committee members had concerns regarding the number of withdrawals from the district. Property owners have expressed that it was redundant if the property was already within a conservation easement. AFD committee members are concerned that withdrawals could result in erosion of the district and requested staff work with the assessor to encourage continued participation through land use program. Letters have been mailed to those that would be eligible for land use. The committee also recommended waiving the fee to renew or include their property in the AFD districts.

Mr. Rice asked what happened to the parcels that the owners had not responded.

Mrs. MacLean stated according to the County Attorney and state code they would be renewed. Additional notifications were sent to those owners.

Mr. Rice opened the public hearing; however, there being no speakers the public hearing was closed.

A motion was made by Mr. Donahue, seconded by Mr. Thum to recommend approval of renewing Agriculture and Forestal District 2 consisting of 32 property owners and 5,843 acres with the same terms as previously approved.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nays: None

Abstain: None

An Ordinance to renew Agricultural and Forestal District #15 (Taylor Hollow) is located approximately 0.5 miles to the north of the terminus of Taylor Hollow Rd (Rt. 712) in Ellett. AFD 15 currently consists of 2 property owners and 349.863 acres.

Ms. MacLean stated the AFD 15, known as Taylor Hollow, was established in 1995. The Perez family has proposed an addition for total of 2.802 acres. The AFD committee met and recommended approval of the district renewal including the addition and removal. She presented maps of the district.

Mr. Rice opened the public hearing; however, there being no speakers the public hearing was closed.

A motion was made by Mr. Thum, seconded by Mr. Donahue to recommend approval of renewing Agriculture and Forestal District 15 consisting of 3 property owners and 352.662 acres with the same terms as previously approved.

Ayes: Rice, Haynes, Thum, Donahue, Seitz, Miller, Lau, Tuttle
Nayes: None
Abstain: None

WORKSESSION:

On a motion by Mr. Tuttle, seconded by Mr. Seitz and unanimously carried, the planning commission entered into worksession.

Bikeway Walkway Plan

Mrs. MacLean stated the 2011 plan is available for review and comment. The plan provides information, guidelines, and cohesion in the creation, expansion, and coordination of a safe and effective Bikeway, Walkway, Blueway system for the New River Valley region. The New River Valley Planning District Commission would like for the Planning Commission & Board of Supervisors to endorse the plan in the next months. You may contact Jamie if you have any comments, questions, or concerns.

Mr. Wells entered meeting at 7:20pm.

Political Sign Regulations

Ms. Jenkins stated the Board has asked staff to review appropriate regulations after some of the candidates had inquired about the size regulations for political campaign signs. A letter containing general information regarding the ordinance as it is related to campaign signs was mailed to all candidates on record. She reviewed current regulations and presented pictures of signs that were present in the county. Once the letters were mailed candidates expressed concerns of the strict limitation in the size of signs. The Board has asked the commission to review an amendment allowing the size of political signs by right to be increased from 12 sq. ft. up to 32 sq. ft. They also requested the zoning administrator notify candidates that while processing the ordinance amendment, the allowable area would be 32 sq. ft. for the 2011 campaign season. She reviewed requirements from other localities.

Mr. Rice asked if the size could be regulated based on the zoning district.

Ms. Jenkins noted the issue with district related signs is enforcement and blocking of sight distance with the larger size signs. Consideration also needs to be given to effectiveness, appearance, and safety.

Mr. Seitz stated he felt twelve (12) sq. ft. is sufficient. Candidates with more money can afford bigger signs but it should be a level playing field.

Mr. Lau noted anything bigger than the allowed twelve (12) sq. ft. becomes a distraction. There does need to be a time limit on how long signs can be displayed.

Mr. Thum stated it was acceptable to regulate the time, placement, and size of a sign; however, any other type of regulations is getting close to freedom of speech. Regulations should be made to be concise and simple to enforce.

Mr. Tuttle stated it was his opinion the only regulations that should be incorporated into the ordinance are with time limits. It is important that the signs are removed quickly after the election.

Mr. Miller stated he was concerned regarding the intersections being blocked by political signs on private property. Smaller signs ease the visibility restrictions.

Mr. Sandy stated staff has also discussed providing the sign regulations to potential candidates when registering.

The consensus of the commission was to regulate the amount of time for political signs to be placed on property. The recommended time regulations were 90 days before and 10 days after the election.

On a motion by Mr. Seitz, seconded by Mr. Miller, and unanimously carried the Planning Commission exited worksession.

A motion was made by Mr. Miller, seconded by Mr. Haynes to not increase the amount of allowable sign area for the political signs.

Ayes:	Haynes, Seitz, Miller, Lau, Wells
Nayes:	Tuttle, Thum, Rice, Donahue
Abstain:	None

On a motion by Mr. Miller, seconded by Mr. Seitz and unanimously carried, the planning commission entered into worksession.

Zoning Ordinance Amendment-Small Wind Energy System

Ms. Hopkins discussed the proposed regulations and definitions pertaining to small wind energy systems.

Mr. Seitz stated there may be a conflict in allowing small wind energy systems that may be the same height as a telecommunications tower. The approach should be consistent.

Ms. Hopkins noted that the small wind energy systems would not be commercial in nature. The ordinance amendments presented were duplicated from other jurisdictions with a few minor amendments such as kilowatt regulations. She further discussed safety concerns and the

associated siting requirements aimed at mitigating safety issues. The proposed setback for a small wind energy system is 110% of the height of the tower plus the blade length. In addition to the zoning regulations, all systems shall meet federal and state requirements. Staff may require documentation from FAA to ensure that it will not interfere with flight paths. If a structure is deemed unsafe by the zoning administrator and confirmed by the building official it would be required to be removed or repaired.

Mr. Miller asked what would prohibit someone from constructing a bunch of 75 foot towers on their property.

Mrs. Hopkins stated staff was considering a limitation of one small wind energy system per lot; however, that needs to be made clearer in the ordinance.

Mr. Donahue noted that setbacks may prohibit and mitigate the number of towers on a property.

Mr. Rice asked if wind energy systems over 100 ft. in height would be permitted.

Mrs. Hopkins stated with the proposed amendments those systems over 100 ft. would not be allowed.

Mr. Donahue requested staff look at the "hybrid" definition again, and talk to a physicist to ensure the definition doesn't violate the laws of physics.

There was further discussion regarding a small wind energy system to supplement power versus a large wind energy system which generates power.

It was the consensus of the Planning Commission to hold a public hearing on the proposed small wind energy ordinance amendments.

On a motion by Mr. Miller, seconded by Mr. Wells, and unanimously carried the Planning Commission exited worksession.

LIAISON REPORTS:

- Board of Supervisors- No report
- Agriculture & Forestal District- Mr. Miller stated he would recommend looking into the permit renewal issue and eliminating the fee as suggested by the AFD Committee.
On a motion by Mr. Miller, seconded by Mr. Seitz and unanimously carried, the planning commission recommended eliminating the \$20 AFD renewal fee for properties within a conservation easement.
- Blacksburg Planning Commission – No report.
- Christiansburg Planning Commission – Mr. Rice stated the Christiansburg Planning Commission and Town Council will begin to hold separate public hearings for requests.
- Economic Development Committee- Mr. Tuttle stated Mr. Politis discussed Industrial Hemp Farms at the last committee meeting.
- Public Service Authority – Mr. Wells reported the PSA has become aware of a water leak between the Interstate I-81 rest areas. Well number 3 in Riner was producing cloudy water and has been studied. The options available are repairing the well or drilling a new one. At the last meeting the PSA board voted to repair the well.
- Parks & Recreation- No report.

- Radford Planning Commission- No report.
- School Board- Mr. Seitz stated the Blacksburg High School groundbreaking will be held on October 11th. The Prices Fork Elementary School is scheduled to open in November.
- Transportation Safety Committee- Mr. Wells reported that the bridge on Friendship Road was damaged and closed. Engineers are looking at the bridge to determine repairs. The closure of the road could impact fire and rescue response.
- Planning Director's Report- Mr. Sandy reported the Harding Rd. tower application was withdrawn at applicant's request. Meetings were being held to discuss options for the the I-81 bridge over the New River at exit 105. There are several big projects pending with VDOT- such as the Route 114 bridge, I-81 construction, the Corporate Research Center intersection, North Fork Road improvements, Route 114 widening to the mall, and the South Gate intersection.

Mr. Miller reported that he had attended the land use conference. The topics, speakers, and sessions were very informative.

There being no further business the meeting was adjourned at 8:30 pm.